

1 10A NCAC 14C .1903 is proposed as a temporary rule as follows:

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3 **10A NCAC 14C .1903 PERFORMANCE STANDARDS**

4 (a) An applicant proposing to acquire a linear accelerator shall demonstrate that each of the following standards
5 shall be met:

6 (1) an applicant's existing linear accelerators located in the proposed service area performed at least
7 6,750 ESTV treatments per machine or served at least 250 patients per machine in the twelve
8 months prior to the date the application was submitted;

9 (2) each proposed new linear accelerator shall be utilized at an annual rate of 250 patients or 6,750
10 ESTV treatments during the third year of operation of the new equipment; and

11 (3) an applicant's existing linear accelerators located in the proposed service area shall be projected to
12 be utilized at an annual rate of 6,750 ESTV treatments or 250 patients per machine during the third
13 year of operation of the new equipment.

14 (b) A linear accelerator shall not be held to the standards in Paragraph (a) of this Rule if the applicant provides
15 documentation that the linear accelerator has been or shall be used exclusively for clinical research and teaching.

16 (c) An applicant proposing to acquire radiation therapy equipment other than a linear accelerator shall provide the
17 following information:

18 (1) the number of patients that are projected to receive treatment from the proposed radiation therapy
19 equipment, classified by type of equipment, diagnosis, treatment procedure, and county of
20 residence; and

21 (2) the maximum number and type of procedures that the proposed equipment is capable of
22 performing.

23 (d) The applicant shall document all assumptions and provide data supporting the methodology used to determine
24 projected utilization as required in this Rule.

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26 *History Note: Authority G.S. 131E-177(1); 131E-183(b);*
27 *Temporary Adoption Eff. September 1, 1993 for a period of 180 days or until the permanent rule*
28 *becomes effective, whichever is sooner;*
29 *Eff. January 4, 1994;*
30 *Amended Eff. November 1, 1996*
31 *Temporary Amendment Eff. January 1, 1999;*
32 *Temporary Amendment effective January 1, 1999 expired October 12, 1999;*
33 *Temporary Amended Eff. January 1, 2000;*
34 *Temporary Amendment Eff. February 1, 2006;*
35 *Amended Eff. November 1, 2006.*
36 *Temporary Amendment effective January 1, 2000 amends and replaces a permanent rulemaking*
37 *originally proposed to be effective August 2000;*

- 1 *Amended Eff. April 1, 2001;*
- 2 *Temporary Amendment Eff. March 15, 2002; January 1, 2002; Amended Eff. April 1, 2003.*